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LOANS ON LEASEHOLD INTERESTS IN HAWAII

MONDAY, MAY 27, 1968

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room 1301, Longworth House Office Building, Hon. E. C. Gathings presiding.

Present: Representatives Gathings, Poage (chairman), Montgomery, Teague of California, Hansen, Goodling, Zwach, and Myers.

Also present: Christine S. Gallagher, clerk; William C. Black, general counsel; Hyde H. Murray, assistant counsel; and L. T. Easley, staff consultant.

Mr. GATHINGS (presiding). The committee will come to order. The chairman will be here most any time, but he asked me to sit in until he arrives.

We are delighted to have with us today a former member, Congressman Spark Matsunaga from the State of Hawaii, who will testify in the interest of his bill, H.R. 15562.

(H.R. 15562 and the Department report follow:)

[H.R. 15562, 90th Cong., second sess.]

A BILL To extend the expiration date of the Act of September 19, 1966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans by the Secretary of Agriculture on leasehold interests in Hawaii, and for other purposes", approved September 19, 1966 (80 Stat. 809), is amended by striking out "June 30, 1968" and inserting in lieu thereof "June 30, 1970".

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 27, 1968.

HON. W. R. POAGE,
Chairman, Committee on Agriculture, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This will reply to your request of March 11, 1968, for a report on H.R. 15562, a bill "To extend the expiration date of the Act of September 19, 1966," (P.L. 89-586), which amends the Consolidated Farmers Home Administration Act of 1961, to authorize loans by the Secretary of Agriculture on leasehold interests in Hawaii.

Public Law 89-586 amends section 343 of the Consolidated Farmers Home Administration Act of 1961, as amended, to authorize the Secretary of Agriculture to make loans under that Act to lessee-operators of real property in any case in which he determines that the land cannot be acquired in fee simple by the applicant, adequate security is provided for the loan, and there is a reasonable probability of accomplishing the objectives and repayment of the loan.

The authority contained in Public Law 89-586 will expire on June 30, 1968. The purpose of H.R. 15562 is to extend the expiration date to June 30, 1970.

The Department of Agriculture does not recommend the extension of Public Law 89-586 because the authority contained therein is limited to the State of Hawaii. The Department of Agriculture believes that if this authority is provided for the State of Hawaii, it should be made equally available in all other states, as well as in Puerto Rico and the Virgin Islands.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

ORVILLE L. FREEMAN.

Mr. GATHINGS. You may proceed in your own way, Mr. Matsunaga.

STATEMENT OF HON. SPARK M. MATSUNAGA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII

Mr. MATSUNAGA. Thank you, Mr. Gathings, and members of the committee.

As a former member of this committee, I consider my appearance today as a witness a delightful homecoming on my part. Because of the urgency involved, I am particularly grateful for this opportunity to present my views with respect to H.R. 15562, which would extend for a period of 2 years the expiration date of Public Law 89-586, the authority for Farmers Home Administration loans on farm leasehold interests in Hawaii. By its terms, that statutory authority was restricted to Hawaii and limited in its application to the period between enactment, which was September 19, 1966, and June 30, 1968.

The need for the legislation was stated in the committee report which accompanied the reported bill, H.R. 15951, that I had introduced in the 89th Congress. I quote from the committee report:

Because of a land-tenure system peculiar to Hawaii, there is virtually no farmland in the State available for purchase in fee simple. For generations, most of the farmland in Hawaii has been held under an entailed status which permits its transfer only on a lease basis. Many of these leases run for 99 or 55 years. The Consolidated Farmers Home Administration Act of 1961 authorizes real estate loans only to owners or prospective owners of farmlands in fee. Therefore, for all practical purposes, Hawaii is barred from participation in the real estate loan provision of this law.

The success of the farm loan program under Public Law 89-586 is evidenced by figures which were furnished my office as late as Thursday of last week by the Farmers Home Administration. In fiscal year 1967, actually over a period of a little more than 9 months, five loans were approved and a total amount of \$125,000 was disbursed under this statutory authority. In fiscal year 1968, 10 loans totaling \$294,790 have already been approved and disbursed. However, seven other loan applications have been received by the Farmers Home Administration and are still in process. These seven applications, involving the sum of \$232,380, are from farmers who were displaced in recent years by the rapid urbanization of the area which once constituted the easterly fringe of the city of Honolulu. Their loan applications have been completely developed and reviewed by the Farmers Home Administration, but because the farmer applicants do not yet hold the requisite leases in a new agricultural tract the loans cannot be consummated.

The delay in the issuance of individual leases to these farmers, who belong to an association called Kamilonui Farmers Cooperative, named after Kamilonui Valley where the new agricultural tract is located, has been the result of prolonged negotiations involving at

least four different parties. The farmland is held in fee by the Bernice P. Bishop Estate. The trustees of the Bishop Estate have been negotiating with the developer, the Kaiser Hawaii-Kai Development Co., which in turn has been negotiating with the farmers cooperative. Some 80 acres have been set aside for this agricultural tract and it is planned to create approximately 27 2½-acre minimum farm lots. City and county regulations require that the agricultural tract must receive the approval of the city and county planning department, and either tract improvements completed or bonds posted guaranteeing such completion before leases can be issued by the Bishop Estate to the individual farmers.

On February 20, 1968, I wrote to the trustee of the Bishop Estate and to the development company requesting their cooperation in expediting the negotiations in order that individual leases could be issued to the farmers before the June 30, 1968, deadline. With the permission of this committee, I would like to incorporate into my testimony and make a part thereof a reply dated March 4, 1968, from Frank E. Midkiff, president, board of trustees, Bernice P. Bishop Estate, and another reply dated February 29, 1968, from K. Tim Yee, vice president and general manager, Kaiser Hawaii-Kai Development Co. Both replies reflect an appreciation of the exigencies of the situation and a willingness to cooperate to effect the issuance of the leases as soon as possible. However, more recent information from the Kamilonui Farmers Cooperative indicates that it is not likely that the farmers will have their individual leases before June 30, 1968.

The displaced farmers who are now members of the Kamilonui Farmers Cooperative formerly supplied much of the fresh vegetable requirements of the military as well as the civilian population on the island of Oahu, which is the principal island on which Honolulu is located. Because of Hawaii's insularity, the production of vegetables at former levels is necessary to avoid the disastrous consequences which could flow during an emergency as the result of total reliance on west coast sources of supply.

Mr. Chairman and members of the committee, for the reasons I have stated, I strongly urge that H.R. 15562, which would extend existing law to June 30, 1970, be given your early favorable consideration.

Thank you.

Mr. GATHINGS. Thank you so much, Mr. Matsunaga, your attachments will be made a part of the record at this point.

(The letters dated March 4, 1968, and February 29, 1968, follow:)

OFFICE OF THE TRUSTEES OF THE
BERNICE P. BISHOP ESTATE.
Honolulu, Hawaii, March 4, 1968.

Hon. SPARK M. MATSUNAGA,
House of Representatives,
Washington, D.C.

SIR: Receipt is acknowledged of your letter of February 20, 1968 addressed to Mr. Frank E. Midkiff, Chairman, Board of Trustees, Bernice P. Bishop Estate, expressing your concern on the delay in utilizing funds made available under Public Law 89-586, for loans through the Farmers Home Administration to farmers on leasehold property in Hawaii, particularly with respect to the Kamilonui Agricultural Tract in Hawaii, Kai.

Under its development contract with Kaiser Hawaii-Kai Development Co., the Trustees of the Bishop Estate have approved an agricultural subdivision in

Kamilonui Valley at Maunaloa. This project has been under negotiation for nearly two years. Hawaii-Kai, as the Trustees' developer, is promoting the project and has been negotiating with an association known as the Kamilonui Farmers Cooperative. Some 80 acres have been set aside for this agricultural tract and it is planned to create approximately 27 2½ acre minimum farm lots. City and County regulations require that the agricultural tract must receive the approval of the City and County Planning Department, and either tract improvements completed or bonds posted guaranteeing such completion before leases can be issued by the Bishop Estate to the individual farmers.

The farmers association have undertaken the obligation of preparing subdivision plans and construction plans for this tract. The preliminary subdivision plan has been approved by the Trustees. No construction plans or final subdivision plans have yet been submitted. The Trustees have, at Hawaii-Kai's request, approved a rental schedule on an acreage basis for lots in the proposed tract. The Trustees have also prepared and submitted to Hawaii-Kai proposed lease forms for individual farm leases and a proposed lease to the association for the tract utilities. The Trustees have also issued letters of intent to Hawaii-Kai advising them that the Trustees are prepared to issue individual farm leases in accordance with approved rent schedules and lease covenants when permitted to do so under existing subdivision regulations.

Please be assured that the Trustees will expedite the issuing of leases on these farm lots immediately upon receipt of the necessary tract approvals from the City and County. Hawaii-Kai in turn has relied upon the farmers association who are undertaking the tract improvements themselves. It is anticipated that leases can be effected on the farm lots within 60 days provided the farmers association produces the necessary plans and Hawaii-Kai obtains the required City approvals. We shall cooperate in these steps and aid in expediting them insofar as we are able to do so.

Your concern in advising the Trustees of the urgency in issuing these leases to take advantage of the Federal loan possibilities is greatly appreciated, and you are hereby assured that the Trustees are making every reasonable effort to cooperate in this regard.

Very truly yours,

FRANK E. MIDKIFF,
President, Board of Trustees.

KAISER HAWAII-KAI DEVELOPMENT CO.,
Honolulu, Hawaii, February 29, 1968.

HON. SPARK M. MATSUNAGA,
House of Representatives,
Washington, D.C.

DEAR SPARKY: In reply to your letter of February 20, 1968, please note that the planning and subdivision of the Kamilonui farm area is the responsibility of the farmers in accordance with their desire and as provided in their agreement with Kaiser Hawaii-Kai. At a series of meetings between Kaiser, the farmers and Bishop Estate about four months ago, it was understood that the farmers would work closely with their engineer so that subdivision approval could be obtained and leases issued no later than April 1, 1968. Also, to satisfy the Farmers Home Administration, Bishop Estate cooperated by writing us letters of intent to lease the farm lots and roadways pursuant to the FHA's requirements.

We transmitted these letters to Mr. Scott of the Farmers Home Administration by letter dated October 23, 1967, a copy of which we attach for your information.

We have presented to the Trustees for approval proposed forms of the leases mentioned in the first paragraph of both Bishop Estate letters attached to ours of October 23, 1967. It is our understanding that they have been reviewed and found acceptable by Bishop Estate's staff and will be acted on by the Trustees this week. The total annual rent of \$15,120 has also been agreed to by all concerned. Accordingly, there would be no difficulty in having the leases ready for execution by the farmers before the anticipated April 1, 1968 target date, but for the obtaining of subdivision approval, which is a legal prerequisite to issuance of leases.

We have been told by the farmers' engineers that even if he continued work on the plans immediately, it would ordinarily take a minimum of three months before all necessary approvals can be obtained so that leasing of lots can take place. Since we have no contractual relationship with the engineer, we can do nothing

to expedite matters. We have, however, asked the farmers to do everything possible to complete their plans and secure City approval since we are as anxious as anyone to see them settled. The burden is really on the farmers at this point, and if it had not been for engineering delays which they were responsible for, we have no doubt that leases from Bishop Estate to each farmer could have been issued on or before April 1, 1968.

Very truly yours,

K. TIM YEE,

Vice president and General Manager.

Mr. GATHINGS. I would like to ask you about this paragraph on page 3 of your statement which has to do with the Bishop estate in which some 80 acres have been set aside from the original tract to create 27 two-and-a-half-acre farm lots.

What would those farm lots produce?

Mr. MATSUNAGA. Primarily, vegetables, Mr. Gathings.

Unlike the mainland farmers here, with only $2\frac{1}{2}$ acres, the farmer in Hawaii can make a livelihood because it is an all-year-round operation. We have the type of climate there which permits the growing of vegetables the year round, one crop after the other, principally table vegetables, leaf vegetables, such as lettuce, cabbages, and carrots, and so on, which they rotate right within the same acreage.

Mr. GATHINGS. It would not take many such acres, though, to supply the needs of the State of Hawaii?

Mr. MATSUNAGA. The 80 acres, amazingly, would supply much of the military needs. I do not have any comparative figures with me handy, but I am sure that the committee members would be amazed to find how much we are able to produce in the course of a year on 1 acre of land as compared to a farmer, say, in the Midwest, because, of course, we are blessed with the climate we have.

Mr. GATHINGS. There are not many estates, though, being divided up in this manner; is that right?

Mr. MATSUNAGA. I believe that Hawaii is about the only State. Because of the uniqueness of Hawaii's situation, so far as farming is concerned, we have made this law applicable only to Hawaii. I do not believe there is any demand for this type of legislation anywhere else in the United States.

Mr. GATHINGS. What is the size of an ordinary farm operation in your State?

Mr. MATSUNAGA. Oh, it is about $2\frac{1}{2}$ to 10 acres.

Mr. TEAGUE of California. That would not be true of all field crops, though, would it?

Mr. MATSUNAGA. Of course, I am referring merely to the small truck-crop farmers and not to the sugar plantations.

Mr. GATHINGS. How about the sugar plantation size?

Mr. MATSUNAGA. There we vary anywhere from 5 to 10 acres among the small farmers, who, incidentally, are mostly part-time farmers. Of course, there are thousands of acres among the bigger plantations.

Mr. GATHINGS. You have all sizes of operations?

Mr. MATSUNAGA. All sizes, on the big island. Along there we have over 2,000 small farmers growing sugar cane. On most of the other islands we have just big plantations, operating acreages, in the thousands of acres.

Mr. GATHINGS. Do these small farmers own their land in fee simple, or do they operate under this type of lease arrangement?

Mr. MATSUNAGA. They operate under the peculiar type of lease arrangement we have. Frequently, with the Government, and even with the plantations. The plantations will lease out to the independent farmers on a contractual basis.

Mr. GATHINGS. These loans that the Farmers Home Administration has made, referred to in your statement, only about one-third of the total applications in your State have been approved by that agency. What kind of a lease arrangement do they have?

Mr. MATSUNAGA. These were principally the same type of arrangement that is being proposed in the extension of the act; that is, the Kamilonui farmers are right in the same area having about $2\frac{1}{2}$ acres each. In that vicinity, we, also, have other farmers who managed to be in that area where the housing development did not catch up with them, and right now, under Public Law 586, we have seven applications which have been approved. It is right within that same area, and we have an additional six right now which would be approved under the Rural Housing Authority rather than under this act, making a total of 13 applications received by the FHA right in the Kamilonui tract. The proposed 27 two-and-one-half-acre minimum lots will be in addition to these, but the farmers have not as yet had the lease written up for the approval of the FHA and the FHA cannot proceed without the actual lease document being approved by the parties involved, as I said earlier in my prepared statement. Hawaii-Kai Development Co., and, of course, the city and county would enter into this so far as rezoning of this area goes.

Mr. GATHINGS. Your bill will relieve how many farmers, and what area, over your State?

Mr. MATSUNAGA. Well, primarily, this bill is intended for these 27 displaced farmers. They were farmers in that area which has been converted into residential lots, but the Bernice P. Bishop estate has been kind enough to set aside these 80 acres for these 27 farmers who were displaced, and it will apply to these 27 additional farmers who are waiting the grant of a lease from the Bishop estate.

Mr. GATHINGS. It could apply to other farmers up to the expiration date of your bill?

Mr. MATSUNAGA. It could; yes. But it is primarily intended for the farmers in this valley, the Kamilonui Valley.

Mr. GATHINGS. Mr. Teague?

Mr. TEAGUE of California. I have no questions.

Mr. GATHINGS. Mr. Goodling?

Mr. GOODLING. I want to ask one question as to what you were saying. Did you say that a family can exist on $2\frac{1}{2}$ acres?

Mr. MATSUNAGA. Amazingly enough, yes, Mr. Goodling, because of the wonderful climate we have, where we can grow vegetables all year-round.

Mr. GOODLING. How many crops are involved in that rotation where you spoke of lettuce? How many crops of lettuce are grown in a year?

Mr. MATSUNAGA. It takes 3 months to grow lettuce. About four crops, I would say. And then they have it going into harvest at different times, continuously. In other words, they do not plant all at one time, in rotation growing, so that there is a continuous crop there.

Mr. GOODLING. And they can make a respectable living on $2\frac{1}{2}$ acres?

Mr. MATSUNAGA. Yes, they have.

Mr. GOODLING. I am going to move to your State.

Mr. MATSUNAGA. Thank you, you'd be most welcome.

Mr. GATHINGS. Mr. Zwach?

Mr. ZWACH. I note you have pending seven loans for about \$232,000. They do not rent it only; they lease it?

Mr. MATSUNAGA. That is correct.

Mr. ZWACH. This money will be used then for that purpose. Do they make a lump payment or do they make an annual payment on the lease for the rent? How will the money be used? Is that for equipment?

Mr. MATSUNAGA. For the development of the land, not as payment on the lease of the land.

Mr. ZWACH. It is a personal loan?

Mr. MATSUNAGA. That is correct. The payment on the land will be on an annual basis as rental.

Mr. GATHINGS. Chairman Poage?

Mr. POAGE. I would like to ask a question off the record.

(Discussion was had off the record.)

Mr. GATHINGS. Are there any further questions of Mr. Matsunaga?

If not, we thank you very much.

Mr. MATSUNAGA. Thank you very much. I certainly appreciate your holding an early hearing.

Mr. GATHINGS. Our next witness is Mr. Henry Lowe, Assistant Administrator of Farmers Home Administration who is accompanied by Mr. Howard Campbell, Assistant General Counsel of the Department of Agriculture.

We will be pleased to hear from you now.

STATEMENT OF HENRY LOWE, ASSISTANT ADMINISTRATOR, REAL ESTATE LOANS, FARMERS HOME ADMINISTRATION; ACCOMPANIED BY HOWARD CAMPBELL, ASSISTANT GENERAL COUNSEL, RURAL DEVELOPMENT AND CONSERVATION, U.S. DEPARTMENT OF AGRICULTURE

Mr. LOWE. Mr. Chairman and members of the committee. We do not have a prepared statement.

The position of the Department is outlined in a letter from the Secretary that just arrived this morning. It is the same position as taken originally, which is that the Department opposes the extension of the bill primarily because it is limited to the State of Hawaii. It is felt that if this authority is made available for the State of Hawaii, it should be made available to the other States, as well as Puerto Rico.

Other than that, we have no further statement.

Mr. GATHINGS. As I recall, Mr. Lowe, in the 89th Congress I believe the Department of Agriculture took a similar stand? Is that correct?

Mr. LOWE. Mr. Campbell was here at the time. He is more familiar with the background than I would be.

Mr. GATHINGS. Thank you.

Are there any questions?

Mr. Poage?

Mr. POAGE. Do you think this is a good policy, to encourage the entailment of land over long periods of time?

Mr. LOWE. From the family standpoint, who primarily we are attempting to assist, this is, as I understand it, about the only opportunity whereby they can obtain land to operate for agricultural purposes.

Mr. POAGE. Do you think that we should allow the entailment of estates, as such, and if we did not, would there not be more land open to farmers than if we did continue to permit that?

Mr. LOWE. Mr. Campbell, would you comment on that, please?

Mr. CAMPBELL. The problem is broader than trust estates. We are talking predominantly about the Bishop Estate here this morning, but it is my understanding that when the island took on a territorial status there was a provision in the treaty between the then sovereign of Hawaii and the United States, that the land then in Hawaii, a certain amount of it at least, would be available for native-born Hawaiians. That provision, I think, was the policy of the territory to which the United States agreed in its inception. Circumstances may have warranted it at that time. I express no opinion on that. Nevertheless, there are certain blocks of land in the State of Hawaii that are under the control of the lands department, the incumbrance of which is still restricted to native-born Hawaiians. There are other public lands owned by the State of Hawaii in which much the same character of public policy of the State is administered but under less rigid control.

It is my view that it would require a change of the constitution of the State of Hawaii, consented to by the Congress of the United States, before this problem is completely solved reversing the policy of the State with respect to land tenure. I am not sure that the entire solution can be accomplished by legislation. Some change can be made by State legislation, I am sure. What constitutional problems you would run into if you passed a legislative act for the State of Hawaii which directed that these trusts are no longer valid, the existing trusts, in their restrictive application, I am not quite sure but that there will be some constitutional problems.

Mr. POAGE. Aside from the constitutional and legal questions, I asked: Do you think this is good public policy to retain these large estates without breaking them up?

Mr. CAMPBELL. It is my personal opinion that we always get in trouble when we permit large landownership by a small part of the community.

Mr. POAGE. We went into Japan and, in effect, instructed those in charge after the war to break up the large estates; did we not, and we did break them up rather substantially, I understand? Is that not right?

Mr. CAMPBELL. I think that is true. I have never studied that problem, Mr. POAGE.

Mr. POAGE. And it seems to have worked pretty well.

Now, we encouraged that policy in every underdeveloped nation, do we not, where we give aid or have given aid?

Mr. CAMPBELL. Yes, sir.

Mr. POAGE. And is it not a little inconsistent to export American ideas to everybody else in the world, to tell them to break up their landed estates, and yet to encourage and extend and give validity to such situations that even now exist in these parts of the United States?

Mr. CAMPBELL. Again, my personal inclination is to agree with you.

I have some reservations about part of your question relating to the legality of some situations that now exist.

Mr. POAGE. I am not talking about the legality; I am talking about the policy.

Yet, the Department of Agriculture comes to us and asks that we make it easier to maintain these entailed estates in the other 49 States. That is what you are asking, is it not, in your report?

Mr. CAMPBELL. It was not for the purpose of permitting entailment of estates, Mr. Chairman.

Mr. POAGE. But it does do it, does it not?

Mr. CAMPBELL. It also addresses itself to a factual problem in the United States, which is affected by the high price of land and the inability of many farmers to acquire by purchase a sufficient land base at today's price and today's return in order to have ownership of all of the land he needs.

Mr. POAGE. But it does do it, does it not, Mr. Campbell? The report of the Department of Agriculture—in enacting the law—would make it easier to maintain in perpetuity large land estates in all of the States of the Union; is that not true?

Mr. CAMPBELL. But there is no prohibition in the United States as to the number of acres the individual can obtain. There is no prohibition against devising land acquired to the family so long as it is done in compliance with the law.

Mr. POAGE. There is no law in the United States that says that water cannot go down the Mississippi River.

My question is not whether water is flowing down the Mississippi, nor is it as to the law of selling land. I am simply asking you if the report of the Department of Agriculture, if enacted into law, would make it easier to maintain these estates?

Mr. CAMPBELL. I do not think it would have that effect, necessarily.

Mr. POAGE. What other effect could it have?

Mr. CAMPBELL. The enactment of this type of provision in the Consolidated Farmers Home Administration Act would only authorize the extension of credit on the basis of leasehold interests and the development of those leasehold interests for farming purposes. It has nothing to do with the laws of inheritance or the laws of distribution or the law otherwise.

Mr. POAGE. Does it not make it much easier to maintain an estate if it is possible for the renter to get credit to improve it—does not that make it easier to maintain that estate?

Mr. CAMPBELL. It makes it easier to develop the land by an operator who is not the fee simple owner.

Mr. POAGE. I want to give it to Hawaii on a temporary basis, but to extend it to the other 49 States of the United States it seems to me would be moving in the reverse direction of what we want. I have not been one who has desired to go out and break up everybody's estate. I believe that a man has the right to acquire land, the same as anything else, but I do not think it is good public policy to encourage the maintenance of those estates in perpetuity, and I think that what we are talking about here is public policy.

Mr. GATHINGS. Would the chairman yield?

Mr. POAGE. Yes, sir.

Mr. GATHINGS. I believe that the rule in *Shelley's* case was that the devise of the land must vest within a life or lives in being, plus 21 years. That is the law today, is it not?

Mr. POAGE. Yes, sir, in many States.

Mr. CAMPBELL. Yes, sir.

Mr. GATHINGS. Mr. Goodling?

Mr. GOODLING. Are we not in effect doing exactly the same thing in the United States?

I am thinking of our corporation farms.

Mr. POAGE. Again, that is a policy. I come from a State which has a constitutional prohibition against corporate farming—I guess we are the only ones with such a law, and I think we have had it ever since '76. You can have a corporation in Texas for the purpose of raising livestock. That is perfectly constitutional, but it is not to engage in agriculture.

Mr. GOODLING. As I recall, the King Farm is in Texas, is it not?

Mr. POAGE. That is perfectly constitutional. That is purely ranching, and the constitution provides specifically for corporate livestock operations. That is one of the peculiarities of it. It specifically authorizes livestock operations. The King ranch is a range operation; they do not do farming.

Mr. GOODLING. The same organization came into one of my good counties in Pennsylvania and bought up farm after farm.

Mr. POAGE. They did that under the Pennsylvania law.

Mr. GOODLING. It is perfectly legal, but I am wondering if we are not talking about the same thing.

Mr. POAGE. We are, and I do not think it is a good thing. Do you?

Mr. GOODLING. No, I do not.

Mr. GATHINGS. Are there any further statements with respect to this legislation?

If not, we thank you.

Mr. LOWE. Thank you.

Mr. GATHINGS. Chairman Poage states that we will now go into executive session.

(Whereupon, at 10:45 a.m., the committee retired into executive session and the reporter was excused.)

LEGISLATIVE HISTORY
Public Law 90-426
H. R. 15562

TABLE OF CONTENTS

Index and summary of H. R. 15562.....	1
Digest of Public Law 90-426.....	2

INDEX AND SUMMARY OF H. R. 15562

Feb. 26, 1968 Rep. Matsunaga introduced H. R. 15562 which was referred to House Agriculture Committee. Print of bill as introduced.

May 27, 1968 House committee voted to report H. R. 15562.

June 3, 1968 House committee reported H. R. 15562 without amendment. House Report 1509. Print of bill and report.

June 17, 1968 House passed H. R. 15562 under suspension of rules.

June 18, 1968 H. R. 15562 was referred to Senate Agriculture and Forestry Committee. Print of bill as referred.

July 3, 1968 Senate committee voted to report H. R. 15562.

July 8, 1968 Senate committee reported H. R. 15562 without amendment. Senate Report 1365. Print of bill and report.

July 10, 1968 Senate passed H. R. 15562 without amendment.

July 25, 1968 Approved: Public Law 90-426.

Hearings: House Agriculture Committee,
Miscellaneous, Serial WW.

DIGEST OF PUBLIC LAW 90-426

HAWAII FARM REAL ESTATE LOANS. Continues for 2 years, through June 30, 1970, a provision in the Consolidated Farmers Home Administration Act of 1961, as amended by Public Law 89-586, which makes lessee-operators of farmland in Hawaii eligible for the Farmers Home Administration loan program.

90TH CONGRESS
2D SESSION

H. R. 15562

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 1968

Mr. MATSUNAGA introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To extend the expiration date of the Act of September 19, 1966.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Act entitled "An Act to amend the Consolidated
4 Farmers Home Administration Act of 1961 to authorize loans
5 by the Secretary of Agriculture on leasehold interests in
6 Hawaii, and for other purposes", approved September 19,
7 1966 (80 Stat. 809), is amended by striking out "June 30,
8 1968" and inserting in lieu thereof "June 30, 1970".

80TH CONGRESS
2d Session

H. R. 15562

A BILL

To extend the expiration date of the Act of September 19, 1966.

By Mr. MATSUNAGA

FEBRUARY 26, 1968

Referred to the Committee on Agriculture

House

May 27, 1968

- 3 -

"Second. Qualify for fund allotments for research, investigation, and experimentation in marketing, consumer education, food handling, and so forth, under the Agricultural Marketing Act of 1946.

"Third. Receive a total annual grant of \$170,000--under the Bankhead-Jones Act of 1935--for agricultural research, extension work, and increased support for land-grant colleges. The college would receive an equal share of an annual national grant of \$7.8 million, or \$150,000 and, on a population basis, a share of a further national grant of \$4.3 million, or \$20,000--for a total of \$170,000 to support such instruction. So as not to dilute the present entitlement of the 50 States and Puerto Rico to endowment and support funds, section 108 authorizes additional appropriations of \$170,000 to take care of the District.

"Fourth. Receive authorization for a capital grant of \$7,241,706--in lieu of public land grants of land-scrip provided in the first Morrill Act for the States--to be an endowment to be invested in bonds and the income used for support of the college's mechanic arts and agricultural programs...

"Fifth. Participate in cooperative extension services, including home economics and 4-H programs of the Department of Agriculture--By extending the Smith Lever Act of 1914. The District will have to match the Federal allotments on a 50-50 basis following the fiscal year ending June 30, 1970.

"Sixth. In addition to providing basic, enabling legislation for the college to qualify under the land-grant programs indicated, the bill includes for the District of Columbia acceptance of the terms and conditions of such programs" (p. H4277).

12. CREDIT UNIONS. Passed as reported H. R. 14907, to amend the Federal Credit Union Act (pp. H4280, H4297-301). See Digest 83 for provisions of the bill.
13. EXPORT-IMPORT. The Banking and Currency Committee reported with amendment H. R. 16162, to enable the Export-Import Bank to extend loans, guarantees, and insurance in certain cases (H. Rept. 1476). p. H4321
14. HAWAII LOANS. The Agriculture Committee voted to report (but did not actually report) H. R. 15562, to authorize loans on leasehold interests in Hawaii. p. D487
15. LANDS. The Agriculture Committee reported without amendment H. R. 16065, to release conditions conveying certain lands to Iowa (H. Rept. 1479). p. H4321
16. APPROPRIATIONS. The Appropriations Committee reported, on May 24 during adjournment, H. R. 17522, the Departments of State, Justice, and Commerce, the Judiciary, and related agencies appropriation bill (H. Rept. 1468). p. H4321
17. FARM PROGRAM. Reps. Madden, Teague (Calif.), and Belcher expressed opposition to the extension of the Food and Agriculture Act of 1965. pp. H4302-3
18. RECLAMATION. Received from Interior a report on the Narrows unit, Missouri River Basin project, Colo. (H. Doc. 320). p. H4320

19. SUPPLIES. Received a GAO report on the "opportunities for reducing the cost of providing Federal agencies with certain supplies, General Services Administration." p. H4320
20. GRANT PROGRAMS. Received from GAO a report "on the need for Government-wide standardization of allowances under Federal fellowship and traineeship grant programs." p. H4320
21. RAISINS. Rep. Sisk stated the Calif. raisin industry "has just recently adopted a new, higher grade regulation which will apply to the State's production of...seedless raisins beginning September 1." p. H4251
22. LEGISLATIVE PROGRAM. Rep. Albert stated he hoped the legislative program for the week would be finished on Wednesday and that it had not been decided whether "we will go over" to Monday "by resolution or have a pro forma meeting on Friday." p. H4252

EXTENSION OF REMARKS

23. YEARBOOK. Sen. Mondale inserted a review of this Department's 1967 yearbook. p. E4636
24. FARM PROGRAM. Rep. Madden stated that the American Farm Bureau Federation and many farm and economy groups oppose extending the farm program for another year and inserted an article, "House Panel Deadlocked on Farm Bill." pp. E4645-6
25. EDUCATION. Rep. Cohelan opposed certain amendments adopted by the House to the Higher Education Assistance Act of 1968, and inserted an article, "Double Dealing." pp. E4666-7
26. CREDIT. Speech in the House by Rep. DeLa Garza supporting temporary funding of the emergency credit revolving fund. p. E4670
27. SCHOOL LUNCH. Rep. Pucinski commended and inserted an article which calls attention to the "deplorable situation" that there are "more than 4 million children of disadvantaged families in America who are not getting hot lunches in their schools." p. E4670
28. MARKETING INFORMATION. Rep. Cohelan praised the marketing information services of this Department. p. E4673
29. OPINION POLL. Reps. Keith, Wyatt, and Collier inserted results of questionnaires, including items of interest to this Department. pp. E4675, E4679, E4681-2
30. NATIONAL PARK; FORESTS. Rep. Cohelan recommended early action on the Redwood National Park bill and stated that "Unless we act soon, there will be no virgin timber left in sufficient quantity to warrant a park." p. E4682

lien should not be permitted unless the transfer is agreed to by the lienholders. It was not felt that the consent of lienholders should be required where the transfer was by annual lease, as the allotment would return to the lessor farm upon expiration of the lease. However, in drafting the legislation, the consent of lienholders was required for all transfers for these kinds of tobacco. The committee is advised that this has resulted in considerable inconvenience and expense to farmers desiring to lease their allotments. H.R. 17002 will eliminate this problem and make the provisions for the lease of allotments for Fire-cured, Dark Air-cured, and Virginia Sun-cured tobacco consistent with the provisions for the lease of allotments for other kinds of tobacco for which transfers are authorized. The consent of lienholders will still be required where transfers are by sale or lease for periods longer than 1 year."

8. LANDS. Passed without amendment H. R. 16065, to direct the Secretary of Agriculture to release on behalf of the United States conditions in deed conveying certain lands to the State of Iowa (pp. H4464-9). The committee report states:

"The bill would permit Iowa State University to sell, lease, or otherwise dispose of the land under the following conditions which would be specified in an agreement between the Secretary of Agriculture and the university:

"(1) All proceeds from the sale, lease, exchange, or disposition of such lands must be used by the university for the acquisition of lands to be held for university purposes, or for the development or improvement of any new lands so acquired; and

"(2) All proceeds from the sale, lease, or other disposition of lands covered by any such agreement shall be maintained by the university in a separate fund and a record of all transactions involving such funds shall be open to inspection by the Secretary of Agriculture.

"The bill directs the Secretary of Interior to convey, upon application, all the undivided mineral interests of the United States in any parcel or tract of land released to Iowa State University or to its successors in title. If any mineral value exists, the applicant must pay a fair market value as determined by the Secretary of Interior. Where no mineral value exists, the mineral interests would be conveyed to the applicant for the consideration of \$1. Each application must be accompanied by a nonrefundable deposit to cover the administrative costs as determined by the Secretary of Interior. Upon a conveyance the applicant will pay to the Secretary of Interior all of the administrative costs, less the deposit. If no conveyance is made, the deposit constitutes full satisfaction of the administrative costs."

9. LOANS. The Agriculture Committee reported without amendment H. R. 15562, to authorize loans on leasehold interests in Hawaii (H. Rept. 1509). p. H4489

10. BUILDINGS. The Public Works Committee reported with amendment H. R. 16981, to limit the use for demonstration purposes of any federally owned property in the District of Columbia, requiring the posting of a bond (H. Rept. 1510). p. H4489

Both Houses received from the President a communication commending the report of the National Commission on Architectural Barriers to Rehabilitation

of the Handicapped (H. Doc. 324); to H. Public Works and S. Labor and Public Welfare Committees. pp. H4472, S6719-20

11. ARTS AND HUMANITIES. Received the conference report (H. Rept. 1511) on H. R. 11308, to amend the National Foundation on the Arts and Humanities Act of 1965 to authorize funding through fiscal year 1970, and make certain other changes of a technical nature. pp. H4470-1
12. FORESTRY. Passed as reported, H. R. 3165, for the relief of Hood River County, Oreg., in connection with alleged timber trespass arising out of timber sales (p. H4457). The committee report states the purpose of the bill "is to relieve Hood River County, Oreg., of all liability to the United States, based on the proceeds of timber sales from 160 acres of land considered to have been a part of the Hood River County Forest in the period 1946 through 1961, which land was subsequently held by the United States to be Federal land."
13. PERSONNEL. Passed as reported H. R. 15395, to provide salary step advancements and adjustments for employees moving to and from different pay systems (pp. H4458-9). The committee report states:

"The purpose of this legislation is to increase the mobility of Federal employees between different Federal pay systems--

"(1) by authorizing, in certain cases, a two-step increase for employees who move from a position under one Federal pay system to a higher level position under either the general schedule or the postal field service schedule pay systems; and

"(2) by granting discretionary authority to the Postmaster General to appoint an employee to any position in the postal field service, and to fix his initial rate of compensation in the postal field service at a rate which is less than one full step above the highest basic salary previously received by him as a Federal employee."
14. TAXATION; EXPENDITURES. Rep. Curtis advised that he "would vote for a \$6 billion cut, and the tax increase...if the President will sit down and work out where \$6 billion cuts will be made--and that means beginning right now." pp. H4474-6
15. HOUSING. Rep. Annunzio urged support of the housing bill. p. H4481
16. HUNGER; INFORMATION. Rep. Sisk stated he believed "the press--both broadcast and print media--have let slick writing and dramatic production become more important than the truth" and inserted Secretary Freeman's letters to CBS and Rep. Perkins critical of the CBS report, "Hunger in America." He also inserted the Secretary's statement, "Food--Hunger: 1968." pp. H4482-7
17. MANPOWER. Received the annual report of the Joint Commission on Correctional Manpower Training, Inc. p. H4488
18. WATER RESOURCES. Received from Interior a proposed bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; to Interior and Insular Affairs Committee. p. H4488

FARM REAL ESTATE LOANS ON LEASED LANDS IN HAWAII

JUNE 3, 1968.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. POAGE, from the Committee on Agriculture,
submitted the following

REPORT

[To accompany H.R. 15562]

The Committee on Agriculture to whom was referred the bill (H.R. 15562) to extend the expiration of the act of September 19, 1966, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of this bill is to continue for 2 years, through June 30, 1970, a provision in the Consolidated Farmers Home Administration Act of 1961, as amended by Public Law 89-586 which makes lessee-operators of farmland in the State of Hawaii eligible for the Farmers Home Administration loan program. The present provision of law, which would be extended, limits the approval of applications to cases in Hawaii where (1) the land cannot be acquired in fee simple by the applicant, (2) adequate security is provided for the loans, and (3) there is a reasonable probability of accomplishing the objectives and repayment of the loan.

NEED FOR THE LEGISLATION

Because of a land-tenure system peculiar to Hawaii, there is virtually no farmland in the State available for purchase in fee simple. For generations, most of the farmland in Hawaii has been held under an entailed status which permits its transfer only on a lease basis. Many of these leases run for 99 or 55 years. The Consolidated Farmers Home Administration Act of 1961 authorizes real estate loans only to owners or prospective owners of farmlands in fee. Therefore, for all practical

purposes, Hawaii is barred from participation in the real estate loan provision of this law.

A little over a century ago all of the land in Hawaii was owned by the King. Under King Kamehameha III, who became King in 1833, the land was divided into three parts, with one-third being vested in the King, one-third in the chiefs, and one-third in the tenants. Later the King divided his share, making two-thirds public domain and one-third his private estate; and the chiefs divided their land. Certain of the public lands were designated as Hawaiian homelands and subjected to statutory restraints on alienation by the Hawaiian Homes Commission Act, 1920.

A large part of the remaining lands have been controlled by a few landlords for many years, and their sale would result in such high taxes on the proceeds as to make sale impracticable. Some of the lands are held in charitable trusts which prevent their alienation.

As a consequence of these restraints on alienation most land transactions in Hawaii involve the sale of leases. Hawaiian farmers, in order to carry on their operations must, like other farmers, have adequate financing for farm improvement. The bill would permit such loans. They would be authorized only where adequate security can be provided, where they can be repaid, and where the purpose of the loan can be accomplished.

HEARINGS

Hearings were held on H.R. 15562 before the full Committee on Agriculture on May 27, 1968. Mr. Matsunaga of Hawaii, the author of this bill, presented the following statement in explanation and support of his bill:

STATEMENT OF SPARK M. MATSUNAGA

Mr. Chairman and members of the committee, as a former member of this committee, I consider my appearance today as a witness a delightful homecoming on my part. Because of the urgency involved, I am particularly grateful for this opportunity to present my views with respect to H.R. 15562, which would extend for a period of 2 years the expiration date of Public Law 89-586, the authority for Farmers Home Administration loans on farm leasehold interests in Hawaii. By its terms, that statutory authority was restricted to Hawaii and limited in its application to the period between enactment, which was September 19, 1966, and June 30, 1968.

The need for the legislation was stated in the committee report which accompanied the reported bill, H.R. 15951, that I had introduced in the 89th Congress. I quote from the committee report:

"Because of a land-tenure system peculiar to Hawaii, there is virtually no farmland in the State available for purchase in fee simple. For generations, most of the farmland in Hawaii has been held under an entailed status which permits its transfer only on a lease basis. Many of these leases run for 99 or 55 years. The Consolidated Farmers Home Administration Act of 1961 authorizes real estate loans only to owners or prospective owners of farmlands in fee. Therefore, for all

practical purposes, Hawaii is barred from participation in the real estate loan provision of this law."

The success of the farm-loan program under Public Law 89-586 is evidenced by figures which were furnished my office as late as Thursday of last week by the Farmers Home Administration. In fiscal year 1967, actually over a period of a little more than 9 months, five loans were approved and a total amount of \$125,000 was disbursed under this statutory authority. In fiscal year 1968, 10 loans totaling \$294,790 have already been approved and disbursed. However, seven other loan applications have been received by the Farmers Home Administration and are still in process. These seven applications, involving the sum of \$232,380, are from farmers who were displaced in recent years by the rapid urbanization of the area which once constituted the easterly fringe of the city of Honolulu. Their loan applications have been completely developed and reviewed by the Farmers Home Administration, but because the farmer applicants do not yet hold the requisite leases in a new agricultural tract the loans cannot be consummated.

The delay in the issuance of individual leases to these farmers, who belong to an association called Kamilonui Farmers Cooperative, named after Kamilonui Valley where the new agricultural tract is located, has been the result of prolonged negotiations involving at least four different parties.

The farmland is held in fee by the Bernice P. Bishop Estate. The trustees of the Bishop Estate have been negotiating with the developer, the Kaiser Hawaii-Kai Development Co., which in turn has been negotiating with the farmers cooperative. Some 80 acres have been set aside for this agricultural tract and it is planned to create approximately 27 21/2-acre-minimum farm lots. City and county regulations require that the agricultural tract must receive the approval of the city and county planning department, and either tract improvements completed or bonds posted guaranteeing such completion before leases can be issued by the Bishop Estate to the individual farmers.

On February 20, 1968, I wrote to the trustees of the Bishop Estate and to the development company requesting their cooperation in expediting the negotiations in order that individual leases could be issued to the farmers before the June 30, 1968 deadline. With the permission of this committee, I would like to incorporate into my testimony and make a part thereof a reply dated March 4, 1968 from Frank E. Midkiff, president, board of trustees, Bernice P. Bishop Estate, and another reply dated February 29, 1968 from K. Tim Yee, vice president and general manager, Kaiser Hawaii-Kai Development Co. (Note: This material is included in the Hearing Record.) Both replies reflect an appreciation of the exigencies of the situation and a willingness to cooperate to effect the issuance of the leases as soon as possible. However, more recent information from the Kamilonui Farmers Co-

Union Calendar No. 592

90TH CONGRESS
2^D SESSION

H. R. 15562

[Report No. 1509]

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 1968

Mr. MATSUNAGA introduced the following bill; which was referred to the Committee on Agriculture

JUNE 3, 1968

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To extend the expiration date of the Act of September 19, 1966.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Act entitled "An Act to amend the Consolidated
4 Farmers Home Administration Act of 1961 to authorize loans
5 by the Secretary of Agriculture on leasehold interests in
6 Hawaii, and for other purposes", approved September 19,
7 1966 (80 Stat. 809), is amended by striking out "June 30,
8 1968" and inserting in lieu thereof "June 30, 1970".

90TH CONGRESS
2^D Session

H. R. 15562

[Report No. 1509]

A BILL

To extend the expiration date of the Act of
September 19, 1966.

By Mr. MATSUNAGA

FEBRUARY 26, 1968

Referred to the Committee on Agriculture

JUNE 3, 1968

Committed to the Committee of the Whole House on
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DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued June 18, 1968
For actions of June 17, 1968
90th-2nd; No. 103

CONTENTS

Balance of payments.....16	Flood control.....3,17	Peace Corps.....13
Buildings.....5	Food policies.....30	Personnel.....22
Consumer protection.....9	Food stamps.....35	Potatoes.....1
Credit unions.....2	Foreign aid.....8	Poultry.....20
Education.....11,14	Foreign trade.....10,18	Reclamation.....4
Electrification.....29	Forestry.....12	Recreation.....32
Employment.....36	Grains.....23	Taxation.....8,26,27
Expenditures.....8,26,27	Hawaii loans.....6	Textiles.....10
Export-Import Bank.....16	Highways.....7	Trade policy.....10
Farm labor.....24	Hunter.....21,28	Training.....36
Federal aid.....34	Lands.....12	Water.....33
Finances.....19	Labor standards.....24	Watersheds.....3
Fiscal policy.....25	Meat inspection.....9	Wilderness.....15,31

HIGHLIGHTS: House passed watershed construction bill. Rep. Smith, Iowa, defended consumer protection under meat inspection law. House committee reported potato research and promotion bill. House subcommittee approved highway authorization bill. Rep. Sullivan introduced and discussed food stamp bill.

HOUSE

1. POTATOES. The Agriculture Committee reported with amendment H. R. 15030, the potato research and promotion bill (H. Rept. 1559). p. H5044
2. CREDIT UNIONS. Concurred in the Senate amendments to H. R. 6157, to permit Federal employees to purchase shares of Federal-or State-chartered credit unions through voluntary payroll allotment (p. H5006). This bill will now be sent to the President.

3. WATERSHEDS. Passed without amendment S. 2276, to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations (p. H5009). This bill will now be sent to the President.
4. RECLAMATION. Passed as reported S. 1251, to make certain reclamation project expenses nonreimbursable. p. H5008
5. BUILDINGS. The Public Works Committee was discharged from further consideration of S. 222, to require that public buildings financed with Federal funds be designed and constructed to accommodate the handicapped, and the bill was passed with amendment to insert the language of H. R. 6589 which had been passed earlier, 302-0, under suspension of the rules. H. R. 6589 was then tabled. pp. H5010-15
6. HAWAII LOANS. Passed under suspension of the rules, H. R. 15562, to extend until June 30, 1970 the authority of the Secretary of Agriculture to authorize loans on leasehold interests in Hawaii. pp. H5031-2
7. HIGHWAYS. The Subcommittee on Roads of the Public Works Committee approved for full committee action H. R. 17134, amended, the 1970-71 highway authorization bill. p. D560
8. TAXATION; EXPENDITURES. Rep. Pelly opposed the retroactive provision to April 1 of the President's 10-percent tax surcharge. He favored the effective date "not earlier than next September." p. H5006
Rep. Brinkley suggested that the \$6 billion proposed spending reduction be made in foreign aid and related expenditures, the "lowest priority area." pp. H5037-8
9. MEAT INSPECTION. Rep. Smith, Iowa, defended the Wholesome Meat Act against "critics who are trying to discredit it and other consumer protection legislation." pp. H5032-3
10. TRADE POLICY. Rep. Whitener inserted his testimony in behalf of "a sound trade policy for the people in the textile industry." pp. H5034-5
Rep. Monagan inserted his testimony on the "conflicts and problems" of the U. S. trade policy. pp. H5036-7
11. EDUCATION. Rep. Feighan inserted the recommendations on urban education financial needs developed for priority congressional consideration during a meeting of National School Boards Association. pp. H5039-40
12. FOREST LANDS. Received from Army and Agriculture a notification of a proposed inter change of jurisdiction of civil works and national forest lands (Kinzua Dam at Allegheny Reservoir, N. Y. and Pa.) by the Department of the Army and the Department of Agriculture. p. H5043

ture and opposed by the minority, was declared unconstitutional and the decision was upheld by the third circuit court of appeals.

I think this is a tremendous credit to a newspaper which has served the people in the highest and best sense of the public press.

Mr. Speaker, I sincerely hope that if this legislation is passed that the editor of the Virgin Islands Daily News will continue his strong editorial stand on matters which he feels are informative to the people of the Virgin Islands because they, too, are American citizens and are entitled to the benefits of good government.

Mr. Speaker, I hope this bill will pass not only in this body but will pass by a convincing vote in the other body and that we can look forward toward the inauguration of a duly elected Governor and other public officials of the Virgin Islands in 1970.

Thus will dawn a new day and a new era in the Virgin Islands for all of its people. I sincerely believe that the Virgin Islands Daily News has contributed in a large measure to the political maturity of the Virgin Islands. And I hope that under the direction of Mr. Melchior, its publisher-founder, that the Virgin Islands Daily News will continue to maintain that vigilance, characteristic of the free press of our land, to insure good, clean, efficient, and democratic government in the Virgin Islands.

Mr. MORTON. Mr. Speaker, the bill now before us provides for the elective Governor of the Virgin Islands. As the Members of the House will note, the Committee on Interior and Insular Affairs made a concentrated effort to make S. 450 conform to the fullest extent practicable with the Guam elective Governor bill. While we recognized the physical and cultural differences between the two island territories, we also realized the importance of establishing a uniform policy with respect to each of them.

Under the terms of S. 450, as amended and recommended by the committee, the people of the Virgin Islands will be permitted to elect their own Governor and Lieutenant Governor beginning in 1970. Since 1954, when the Organic Act authorized the establishment of the legislature, the people have been electing their own legislature and a healthy political environment has emerged. In the years ahead, it seems apparent that, by enabling the people of the Virgin Islands to elect their own Governor, we can expect to see highly competitive elections for the highest public office in the territory.

Mr. Speaker, the chief executives appointed by the President in recent years have been selected from the people of the Virgin Islands and they have served effectively. We have every reason to believe that in the years ahead the people of the Virgin Islands will assume this serious responsibility and elect the most capable of their political leaders as their Governor and Lieutenant Governor.

Another important provision of this legislation removes the present unrealistic restrictions with respect to revenue obligations. At the present time, there is a limitation of \$30 million on the issuance of revenue obligations sold to the

public. Not more than \$10 million may be outstanding at any one time for public improvements other than water and power projects. This, of course, severely limits the ability of the government of the Virgin Islands to finance its needed public improvements.

Mr. Speaker, we cannot and we should not compare these territorial areas of the United States with the States. They are a unique element in our system, but we cannot expect them to exist in a void or to be insulated from some of the same problems which beset our States. The second major element in S. 450, as amended, will enable the government of the Virgin Islands to issue revenue bonds at competitive interest rates. It will, also, enable the territory to issue bonds subject to the usual limitations imposed by the public need for the facilities to be financed and by the sufficiency of the revenues to secure the obligations.

I am pleased to join my colleagues on the committee in support of S. 450, as amended, and I urge its approval by the Members of the House.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from New York [Mr. CAREY] that the House suspend the rules and pass the bill S. 450, as amended.

The question was taken, and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CAREY. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

FARM REAL ESTATE LOANS ON LEASED LANDS IN HAWAII

Mr. O'NEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15562) to extend the expiration date of the act of September 19, 1966.

The Clerk read as follows:

H.R. 15562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans by the Secretary of Agriculture on leasehold interest in Hawaii, and for other purposes", approved September 19, 1966 (80 Stat. 809), is amended by striking out "June 30, 1968" and inserting in lieu thereof "June 30, 1970."

The SPEAKER pro tempore. Is a second demanded?

Mr. BELCHER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. O'NEAL of Georgia. Mr. Speaker, I am happy to yield such time as he

may consume to the distinguished gentleman from Hawaii [Mr. MATSUNAGA].

(Mr. MATSUNAGA asked and was given permission to revise and extend his remarks.)

Mr. MATSUNAGA. Mr. Speaker, I rise in support of H.R. 15562, a bill which I introduced to continue for 2 years, through June 30, 1970, the provisions of Public Law 89-586 which make lessee-operators of farmland in the State of Hawaii eligible for the Farmers Home Administration loan program. Before I speak about the bill, however, I wish to thank the Speaker, the chairman of the Committee on Agriculture [Mr. POAGE], and the members of that committee on both sides of the aisle for making the immediate consideration of my bill possible.

The need for the legislation is stated in the committee report, and I quote:

Because of a land-tenure system peculiar to Hawaii, there is virtually no farmland in the State available for purchase in fee simple. For generations, most of the farmland in Hawaii has been held under an entailed status which permits its transfer only on a lease basis. Many of these leases run for 99 or 55 years. The Consolidated Farmers Home Administration Act of 1961 authorizes real estate loans only to owners or prospective owners of farmlands in fee. Therefore, for all practical purposes, Hawaii is barred from participation in the real estate loan provision of this law.

The success of the farm loan program under Public Law 89-586 is evidenced by figures which were furnished my office recently by the Farmers Home Administration. In fiscal year 1967, actually over a period of a little more than 9 months, five loans were approved and a total amount of \$125,000 was disbursed under this statutory authority. In fiscal year 1968, 10 loans totaling \$294,790 have already been approved and disbursed. However, seven other loan applications have been received by the Farmers Home Administration and are still in process. These seven applications, involving the sum of \$232,380, are from farmers who were displaced in recent years by the rapid urbanization of the area which once constituted the easterly fringe of the city of Honolulu. Their loan applications have been completely developed and reviewed by the Farmers Home Administration, but because the farmer applicants do not yet hold the requisite leases in a new agricultural tract the loans cannot be consummated.

The delay in the issuance of individual leases to these farmers, who belong to an association called Kamilonui Farmers Cooperative, named after Kamilonui Valley where the new agricultural tract is located, has been the result of prolonged negotiations involving at least four different parties. The farmland is held in fee by the Bernice P. Bishop Estate. The trustees of the Bishop Estate have been negotiating with the developer, the Kaiser Hawaii-Kai Development Co., which in turn has been negotiating with the farmers cooperative. Some 80 acres have been set aside for this agricultural tract and it is planned to create approximately 27 1/2-acre minimum farm lots. City and county regulations require that the agricultural tract must receive the approval of the city and county planning

department, and either tract improvements completed or bonds posted guaranteeing such completion before leases can be issued by the Bishop Estate to the individual farmers.

In spite of every effort now being made by all parties concerned to expedite the negotiations in order that individual leases could be issued, it appears unlikely that the farmer-applicants will have their individual leases before June 30, 1968, when Public Law 89-586 expires.

I have also been informed that, in addition to the seven farmers whose loan applications are pending under existing law, other lessee-operators of farmlands in Hawaii would probably submit applications for loans if this law is extended.

These displaced farmers formerly supplied much of the fresh vegetable requirements of the military as well as the civilian population on the Island of Oahu. Because of Hawaii's insularity, the production of vegetables at former levels is necessary to avoid the disastrous consequences which could flow during an emergency as the result of total reliance on west coast sources of supply.

Mr. Speaker, because of the emergency confronting this important segment of our farmer population, I earnestly request unanimous support for the bill now on the floor.

I might point out, Mr. Speaker, that 2 years ago this bill was passed on the Consent Calendar by unanimous consent.

Mrs. MINK. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to my colleague, the distinguished gentlewoman from Hawaii.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 15562 and join in the remarks of my distinguished colleague from Hawaii. This bill is urgently needed by the farmers of my State who are not privileged to own their farming lands in fee simple. If this bill is not enacted, many will be unable to benefit from the loan provisions of the Farmers Home Administration Act of 1961 which is limited to loans on farms owned in fee.

This bill will extend the present provisions of the law, Public Law 89-586, for 2 additional years through June 30, 1970. These loans will be limited to farmers who cannot acquire fee simple title to their lands, who provide adequate security for the loans, and give adequate assurances of repayment of the loan.

A small group of farmers known as the Kamilonui Farmers Cooperative are especially affected by this legislation. These farmers were displaced from their farms by residential development, but were given an opportunity to secure adjoining lands specially zoned for farming purposes.

Negotiations of the lease terms have been progressing for the past 2 years, and are presently in final stages of agreement. However, it appears that it will not be possible for the loans to be granted by the present deadline of June 30, 1968, as currently provided in Public Law 89-586. Therefore, specifically for these groups of farmers, this legislation is urgently needed. I am certain that there are also others affected by this cutoff date. An extension to June 30, 1970, is necessary and

I believe will greatly promote the granting of benefits of this program to farmers in my State of Hawaii.

As the committee report of H.R. 15562 so well states, the land tenure system in Hawaii is unique in this country, and based on that, I believe that it would be proper for this Congress to take special cognizance of this and pass this legislation in order to assure that the benefits of the Farm Home Administration Act will be available to all farmers in this country, including the State of Hawaii.

I urge this House to pass this bill, and ask that every effort be expended to assure its final enactment prior to June 30, 1968.

Mr. MATSUNAGA. I thank the gentlewoman for her contribution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I gladly yield to the distinguished gentleman from Iowa.

Mr. GROSS. If the gentleman is able to make an estimate, when does he think it will be possible to end the land tenure system in Hawaii?

Mr. MATSUNAGA. I will say to the gentleman from Iowa that there have been many attempts made to break up the so-called land tenure system of Hawaii, without too much success. The attempts have been without success because the farmers themselves have not been too much in favor of breaking up the system, the reason being that under a long lease system, under which they now operate, they can spend the money for the capitalization of improvements rather than on the purchase of land. Because the leases run up to 99 years, they feel that it is a better system.

Mr. GROSS. The gentleman would not advocate this system for Iowa or Oklahoma or Georgia, would he?

Mr. MATSUNAGA. I will definitely not advocate such a tenure system for other States of the Union.

But, as I pointed out in my prepared statement, we have inherited this peculiar system which you find only in the youngest State in the Union, Hawaii.

Mr. GROSS. I am sure that many tenant farmers in the State of Iowa would like to be able to avail themselves of Farmers Home Administration loans, but they cannot do so.

Mr. MATSUNAGA. I appreciate the suggestion of the gentleman from Iowa.

Mr. BELCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 2 years ago I supported this legislation both in the committee and on the floor of the House. I think it has been successful.

I am in support of the legislation today.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman.

Mr. GROSS. What has been the experience on the repayment of Farm Administration loans in Hawaii?

Mr. BELCHER. I think it has been just as good as it has been anywhere else. On the repayment of loans to the Farmers Home Administration ever since its inception the repayment of loans has been exceptionally good and I think in Hawaii it has been just as good as anywhere else.

Mr. GROSS. I thank the gentleman.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from Georgia that the House suspend the rules and pass the bill H.R. 15562?

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. O'NEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE REPORT ON H.R. 15030

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight to file a report on H.R. 15030, to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

WHOLESOME MEAT ACT PROVIDING PROTECTION TO CONSUMERS

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, on May 27 NBC news commentator Chet Huntley broadcast an editorial against the Wholesome Meat Act of 1967 in which he stated, among other things, that the new law is a farce. I objected to Huntley's editorial because it was completely biased and included erroneous statements and also because Huntley failed to reveal to his listeners that he has a close corporate relationship with persons who were affected by passage of the Wholesome Meat Act on April 1.

NBC has provided me with network time to respond, and my reply to Huntley will be carried this afternoon on NBC radio's regular "Perspective on the News" program. In my reply, which was taped early Friday afternoon, I stated that Federal and State officials already have closed 21 meat plants as a result of the Wholesome Meat Act, I knew at that time that the figure was a conservative estimate, but it now turns out that

90TH CONGRESS
2D SESSION

H. R. 15562

IN THE SENATE OF THE UNITED STATES

JUNE 18, 1968

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To extend the expiration date of the Act of September 19, 1966.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Act entitled "An Act to amend the Consolidated
4 Farmers Home Administration Act of 1961 to authorize loans
5 by the Secretary of Agriculture on leasehold interests in
6 Hawaii, and for other purposes", approved September 19,
7 1966 (80 Stat. 809), is amended by striking out "June 30,
8 1968" and inserting in lieu thereof "June 30, 1970".

Passed the House of Representatives June 17, 1968.

Attest:

W. PAT JENNINGS,

Clerk.

90TH CONGRESS
2D Session

H. R. 15562

AN ACT

To extend the expiration date of the Act of
September 19, 1966.

JUNE 18, 1968

Read twice and referred to the Committee on
Agriculture and Forestry

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued July 5, 1968
For actions of July 3, 1968
90th-2nd; No. 115

CONTENTS

Adjournment.....	8,22	Highways.....	9	Redwood Park.....	11
Appropriations.....	10	Housing.....	21	Scenic rivers.....	11
Cigarettes.....	28	Hunger.....	27	Shipping.....	14
Cooperatives.....	19	Indemnity payments.....	1	Taxation.....	30,33
Dairy.....	1	Information.....	34	Technical services.....	12
Education.....	18	Legislative program.....	21	Textiles.....	20,32
Electrification.....	17	Loans.....	3,13	Trails.....	11
Employment.....	6	National parks.....	38	Transportation....	14,19,36
Farm program.....	25	Opinion polls.....	29	Water.....	5,31
Flood insurance.....	24	Poverty.....	23	Watersheds.....	7
Foreign aid.....	21,26	Public Law 480.....	16	Wildlife.....	12
Foreign trade.....	36	Reclamation.....	5,15		
Grains.....	2	Recreation...4,11,13,35,38			

HIGHLIGHTS: Senate committee voted to report dairy indemnity and grain inspection bills. House committee reported scenic rivers, Redwood National Park, and nationwide trails bills. House committee reported FHA loan bill. House received Public Law 480 conference report. House passed road authorization bill. House subcommittee voted to report co-op tax exemption bill. Rep. Arends stated farmer is "forgotten man."

SENATE

1. DAIRY. The Agriculture and Forestry Committee voted to report (but did not actually report) S. 3638, to extend the authority for indemnity payments to dairy farmers who are directed to remove their milk from markets because it contains certain chemical residues. p. D637

2. GRAINS. The Agriculture and Forestry Committee voted to report (but did not actually report) H.R. 15794, to amend the laws relating to the inspection and grading of grain. p. D638
3. LOANS. The Agriculture and Forestry Committee voted to report (but did not actually report) H.R. 15562, to extend the act which authorizes loans by the Secretary of Agriculture on leasehold interests in Hawaii. pp. D637-8
4. RECREATION. Passed as reported H.R. 9098, to revise the boundaries of the Badlands National Monument in S. Dak. The bill provides for transfer to Interior of about 253,000 acres of gunnery range lands declared excess to the needs of the Air Force. pp. S8167-8
5. RECLAMATION. Passed without amendment S. 3575, to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments. p. S8166
6. EMPLOYMENT. Agreed to H. Con. Res. 705, to express the sense of Congress that employment opportunities should be made available to veterans who return from military service in Vietnam and elsewhere. pp. S8165-6
7. WATERSHEDS. The Agriculture and Forestry Committee voted to report (but did not actually report) plans for works of improvement on certain watershed projects. p. D638
8. ADJOURNED until Mon., July 8. p. S8200

HOUSE

9. HIGHWAYS. Passed with amendment S. 3418, the highway authorization bill (pp. H5958-96). Agreed to an amendment by Reps. McCarthy and Cramer "to prevent Federal control over local parks and recreation areas in the future" (pp. H5960-63). Rejected a motion by Rep. Schwengel to recommit the bill (p. H5980). H. R. 17134, a similar bill passed earlier with amendments was tabled.
10. APPROPRIATIONS. Passed with amendments H.R. 18188, the Transportation Department appropriation bill (pp. H5996-6018). Rejected a motion by Rep. Gross to recommit the bill (p. H6018).
11. SCENIC RIVERS; REDWOOD NATIONAL PARK; TRAILS. The Interior and Insular Affairs Committee reported without amendment H.R. 18260, to provide for a national scenic rivers system (H. Rept. 1623); with amendment S. 2515, to authorize the establishment of Redwood National Park (H. Rept. 1630); and with amendment H.R. 4865, to establish a nationwide system of trails (H. Rept 1631). p. H6047
12. WILDLIFE; TECHNICAL SERVICES. The Rules Committee reported resolutions for the consideration of H.R. 11618, to prevent the importation of endangered species of fish or wildlife into the United States, to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and H.R. 16824, to extend for an additional year the authorization of appropriations under the State Technical Services Act of 1965. p. H6047

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
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OFFICE OF BUDGET AND FINANCE
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Issued July 9, 1968
For actions of July 8, 1968
90th-2nd; No. 116

CONTENTS

Award.....14	Housing.....1,20	Pollution.....9
Appropriations.....10	Hunger.....19,26	Reclamation.....13
Dairy.....6	Indians.....17	Report.....12
Education.....2,22	Indemnity payments.....6	Research.....11,27
Expositions.....25	Information.....25	River basin.....13
Farm income.....23	International economic	Rural development.....14
Farm program.....23	policy.....21	Textiles.....4
Farmers.....18	Lands.....3,7,24	Trade policies.....4
Foreign aid.....16	Loans.....7	Watersheds.....5
Foreign trade.....4	Parity price.....23	Wilderness.....8
Forest Service.....12	Peanuts.....23	Wildlife.....15

HIGHLIGHTS: Senate committee reported dairy indemnity bill. Senate committee reported wilderness bills. House debated housing bill. Rep. Gurney introduced and discussed bill to create committee on hunger.

HOUSE

1. HOUSING. Began debate on H. R. 17989, to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development. pp. H6054-92, H6112-13
2. EDUCATION. The Education and Labor Committee reported H. R. 18366, to amend the Vocational Education Act of 1963 (H. Rept. 1647); and H. R. 15067, to amend the Higher Education Act of 1965, with amendment (H. Rept. 1649). p. H6116

3. LANDS. A subcommittee of the Interior and Insular Affairs Committee approved for full committee action H. R. 13797, amended, to authorize the sale of certain public lands; and H. R. 4530, amended, relating to the issuance of patents for lands held under the color of title, to liberalize the requirements for the conveyance of the mineral estate. p. D643
4. TRADE POLICIES. Rep. St Germain expressed concern that "imports rose 4 percent during the month of May" and "our exports declined 6 percent" and suggested "proper adjustment in our trade policies." He inserted an article, "Textile-Apparel Industry to World: 'Open the Door'". pp. H6096-7
Rep. Dent warned of "the increasing dangers of our free trade policy" and inserted an article, "Things Look Up for Mexico as U.S. Firms Cross the Border." pp. H6110-11
5. WATERSHEDS. Both Houses received from this Department plans for works of improvement on several watershed projects; to H. Agriculture and S. Agriculture and Forestry Committees (pp. H6115, S8204). The House received from this Department plans for works of improvement under the provisions of the Watershed Protection and Flood Prevention Act involving structures of more than 4,000 acre-feet of total capacity; to Public Works Committee (p. H6115).

SENATE

6. DAIRY. The Agriculture and Forestry Committee reported without amendment S. 3638, to extend for three years the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers for milk required to be withheld from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government (S. Rept. 1363). p. S8205
7. LANDS. The Agriculture and Forestry Committee reported without amendment H. R. 15562, extending the act which authorizes loans by the Secretary of Agriculture on lease-hold interests in Hawaii (S. Rept. 1365). p. S8205
8. WILDERNESS. The Interior and Insular Affairs Committee reported without amendment H. R. 4739, to authorize the Secretary of the Interior to grant long-term leases with respect to lands in the El Portal administrative site adjacent to Yosemite National Park, Calif. (S. Rept. 1364); with amendment S. 3343, to designate certain lands in the Pelican Island National Wildlife Refuge, Indian River County, Fla., as wilderness (S. Rept. 1366); S. 3379, to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N. J., as wilderness (S. Rept. 1367); S. 3425, to designate certain lands in the Monomoy National Wildlife Refuge, Barnstable County, Mass., as wilderness (S. Rept. 1368); and S. 3502, to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges in Mich., the Gravel Island and Green Bay National Wildlife Refuges in Wisc., and the Moosehorn National Wildlife Refuge in Maine, as wilderness (S. Rept. 1369). p. S8205
9. POLLUTION. The Public Works Committee reported with amendment S. 3206, to amend the Federal Water Pollution Control Act, as amended, relating to the construction of waste treatment works, and to the conduct of water pollution control research (S. Rept. 1370); and with amendments S. 2525, to amend the Federal

LOANS ON LEASED LAND IN HAWAII

JULY 8, 1968.—Ordered to be printed

Mr. TALMADGE, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany H.R. 15562]

The Committee on Agriculture and Forestry, to which was referred the bill (H.R. 15562) to extend the expiration date of the act of September 19, 1966, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

SHORT EXPLANATION

This bill would continue for 2 years, through June 30, 1970, the Farmers Home Administration's authority to make loans to lessee-operators of farmland in the State of Hawaii. That authority is limited to cases where (1) the land cannot be acquired in fee simple by the applicant, (2) adequate security is provided for the loans, and (3) there is a reasonable probability of accomplishing the objectives and repayment of the loan.

NEED FOR THE BILL

Hawaii has land problems unlike those of other States, since much of its land is subject to restraints on alienation and consequently is operated under long-term lease.

A little over a century ago all of the land in Hawaii was owned by the King. Under King Kamehameha III, who became King in 1833, the land was divided into three parts, with one-third being vested in the King, one-third in the chiefs, and one-third in the tenants. Later the King divided his share, making two-thirds public domain and one-third his private estate; and the chiefs divided their land. Certain of the public lands were designated as Hawaiian homelands and subjected to statutory restraints on alienation by the Hawaiian Homes Commission Act, 1920.

A large part of the remaining lands have been controlled by a few landlords for many years, and their sale would result in such high taxes on the proceeds as to make sale impracticable. Some of the lands are held in charitable trusts which prevent their alienation.

As a consequence of these restraints on alienation most land transactions in Hawaii involve the sale of leases. Hawaiian farmers in order to carry on their operations must, like other farmers, have adequate financing, and should have available to them the financing provided for farm improvement by Farmers Home Administration loans to the extent that such loans can safely be made on the security such farmers can provide. The bill would permit such loans. They would be authorized only where adequate security can be provided, where they can be repaid, and where the purpose of the loan can be accomplished.

DEPARTMENTAL VIEWS

The attached report of the Department of Agriculture advises that it believes that if this authority is provided for the State of Hawaii, it should be made equally available in all other States. The Department took a similar position in 1965 when the present authority was being considered. The committee feels that the land tenure situation in Hawaii is so different from that of other States as to require the different treatment provided by this bill.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

Public Law 89-586

89th Congress, S. 112 September 19, 1966

AN ACT to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans by the Secretary of Agriculture on leasehold interests in Hawaii, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That only for the period of time commencing with the date of enactment of this Act and ending on June 30, [1968] 1970, section 343 of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1991), is amended by striking the word "and" before the figure "(2)" in said section and by striking the period at the end thereof and inserting a comma and the following: "and (3) the term 'owner-operator' shall in the State of Hawaii include the lessee-operator of real property in any case in which the Secretary determines that the land cannot be acquired in fee simple by the applicant, adequate security is provided for the loan, and there is a reasonable probability of accomplishing the objectives and repayment of the loan: *Provided*, That item (3) shall be applicable to lessee-operators of Hawaiian Homes Commission lands only when and to the extent that it is possible for such lessee-operators to meet the conditions therein set out."

Calendar No. 1349

90TH CONGRESS
2^D SESSION

H. R. 15562

[Report No. 1365]

IN THE SENATE OF THE UNITED STATES

JUNE 18, 1968

Read twice and referred to the Committee on Agriculture and Forestry

JULY 8, 1968

Reported by Mr. TALMADGE, without amendment

AN ACT

To extend the expiration date of the Act of September 19, 1966.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Act entitled “An Act to amend the Consolidated
4 Farmers Home Administration Act of 1961 to authorize loans
5 by the Secretary of Agriculture on leasehold interests in
6 Hawaii, and for other purposes”, approved September 19,
7 1966 (80 Stat. 809), is amended by striking out “June 30,
8 1968” and inserting in lieu thereof “June 30, 1970”.

Passed the House of Representatives June 17, 1968.

Attest:

W. PAT JENNINGS,

Clerk.

Calendar No. 1349

90TH CONGRESS
2d Session

H. R. 15562

[Report No. 1365]

AN ACT

To extend the expiration date of the Act of
September 19, 1966.

JUNE 18, 1968

Read twice and referred to the Committee on
Agriculture and Forestry

JULY 8, 1968

Reported without amendment

July 10, 1968

10. ELECTRIFICATION; RECREATION. Reps. Goodling and Eshleman commended the Holtwood hydroelectric project on the Susquehanna River in Pa. as a great recreational potential. pp. H6307-8
11. FARM PROGRAM. Rep. Kleppe inserted a copy of his letter to House Members commending the farm bill and urging their "thoughtful consideration." p. H6308
12. FOREIGN AID. Rep. Gonzalez spoke in support of the President's foreign aid program. p. H6308
Rep. Matsunaga stated in considering the foreign aid bill the House should consider "the impact of the foreign aid program upon the peoples of developing nations" and inserted an article, "Still Much To Be Done in Agriculture Aid." pp. H6316-18

SENATE

13. APPROPRIATIONS. The Appropriations Committee reported with amendments July 9, during adjournment, H. R. 17023, the independent offices and HUD appropriation bill (S. Rept. 1375). p. S8342
A subcommittee of the Appropriations Committee approved for full committee consideration H. R. 18188, the Department of Transportation appropriation bill. p. D657
14. LANDS. Passed without amendment H. R. 16065, to direct the Secretary of Agriculture to release certain conditions in deeds conveying lands to Iowa (p. S8391). This bill will now be sent to the President.
The Interior and Insular Affairs Committee reported with amendments S. 1385, relating to the disposition by the Secretary of the Interior of moneys obtained from the sale of materials from public lands (S. Rept. 1376). p. S8342
The Agriculture and Forestry Committee voted to report (but did not actually report) the following bills: S. 3578, to authorize release of a condition in a deed conveying certain lands to S. C. (amended); S. 3687, to authorize release of a condition in a deed conveying certain lands to Ohio; and S. 3736, to authorize the sale to Central, N. Mex., of certain lands which were formerly part of the Fort Bayard Military Reservation. p. D656
Sen. Jackson announced a hearing on legislation dealing with Alaska native land claims will be held before the Interior and Insular Affairs Committee on Fri., July 12, in Room 3110, New Senate Office Building. p. S8346
15. WILDERNESS. Passed as reported S. 3502, to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges in Michigan, the Gravel Island and Green Bay National Wildlife Refuges in Wisconsin, and the Moosehorn National Wildlife Refuge in Maine, as wilderness. pp. S8340-1
Passed as reported S. 3425, to designate certain lands in the Monomoy National Wildlife Refuge Barnstable County, Mass., as wilderness. pp. S8339-40
Passed as reported S. 3379, to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N. J., as wilderness. p. S8339
Passed as reported S. 3343, to designate certain lands in the Pelican Island National Wildlife Refuge, Indian River County, Fla., as wilderness. pp. S8338-9

16. RECREATION. Passed without amendment H. R. 4739, to authorize the Secretary of the Interior to grant long term leases with respect to lands in the El Portal administrative site adjacent to Yosemite National Park, Calif. p. S8340
17. LOANS. Passed without amendment H. R. 15562, to continue for 2 years, through June 30, 1970, the Farmers Home Administration's authority to make loans to lessee-operators of farmland in the State of Hawaii (p. S8341). This bill will now be sent to the President.
18. DAIRY. Passed without amendment S. 3638, to extend for three years the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers for milk required to be withheld from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government. p. S8338
19. ELECTRIFICATION. Passed as reported S. 2445, to amend the Federal Power Act to clarify the licensing authority of the Commission and the right of the U. S. to take over a project or projects upon or after the expiration of any license shall be exercised. pp. S8389-90
20. TRANSPORTATION. Concurred in House amendments to S. 3102, to postpone for two years the date on which passenger vessels operating solely on the inland rivers and waterways must comply with certain safety standards (pp. S8388-9). This bill will now be sent to the President.
21. NOMINATION. Confirmed the nomination of James H. McCrocklin to be Under Secretary of Health, Education, and Welfare. pp. S8337, S8404
22. FARM PROGRAM. The Daily Digest states that the "Committee on Agriculture and Forestry, in executive session, by a vote of 10 to 5, ordered reported without amendments S. 3590, extending and improving programs to maintain farm income, stabilize prices, and assure adequate supplies of agricultural commodities. As approved by the committee the bill would provide a four-year extension of the present farm program, including the class-I milk base program. Committee agreed to strike the title of the bill relative to farm bargaining." p. D656
Sen. Long, Mo., expressed hope that the Senate will act this year on this bill to "benefit all farmers in Missouri and across the Nation." pp. S8372-3
23. WATERSHEDS. The Agriculture and Forestry Committee approved plans for works of improvement on several watershed projects. p. D656
24. MANPOWER. The Labor and Public Welfare Committee voted to report (but did not actually report) S. 2938, to extend certain expiring provisions under the Manpower Development and Training Act of 1962, as amended. p. D657
25. HUNGER. The Labor and Public Welfare Committee voted to report (but did not actually report) S. Res. 281, to establish a Select Committee on Nutrition and Human Needs. p. D657

Wilderness and Birch Islands Wilderness in the State of Maine. All of the lands included are presently within the National Wildlife Refuge System.

DESCRIPTION

The Seney Wilderness proposal contains approximately 25,000 acres of the Seney National Wildlife Refuge in Schoolcraft County, Mich. The proposed area includes treeless bogs and strips of bog forest, remnants of black spruce and white pine forests, inhabited by a variety of big and small game, ranging from moose to red fox and timber wolves. The area is relatively inaccessible.

The proposed Huron Islands Wilderness contains approximately 147 acres consisting of eight small islands in Lake Superior. The islands are made up of pink and gray granite upthrusts, with trees, brush, and herbaceous plants over two-thirds of the islands, and the remaining third largely barren. The islands are not often visited because of their isolation, rough seas, and limited landing sites.

Six small islands, totaling approximately 41 acres, constitute the Michigan and Wisconsin Islands Wilderness proposals. They are important breeding and nesting areas for herring and ring-billed gulls. The fragile island ecology, abundant bird population, and picturesque terrain features have unique beauty and are of major interest to scientists, students, and nature lovers.

A total of 2,780 acres constitute the wilderness proposals for the Edmunds and Birch Islands areas within the Moosehorn National Wildlife Refuge in Washington County, Maine. This refuge is one of the few Federal areas in the northeast containing wilderness resources.

HEARINGS

In accordance with the requirements of the Wilderness Act of September 3, 1964 (78 Stat. 890), public hearings were held at locations convenient to the areas affected. The results of these hearings are summarized in the synopses accompanying the recommendations to the President, which follow later.

Mr. JACKSON. Mr. President, the four wilderness bills, S. 3379, S. 3343, S. 3425, and S. 3502, which the Senate passed today, represent the first of the Department of the Interior's recommendations for additions to the National Wilderness Preservation System under the Wilderness Act of 1964. They also include the first wilderness areas to be designated within and near the heavily populated eastern coast. Thus, they are likely to become landmark conservation legislation. The areas concerned are all within national wildlife refuges.

S. 3379 would designate certain lands in the Great Swamp National Wildlife Refuge in Morris County, N.J., as wilderness. Involved are 3,750 acres. This area lies 40 miles due west of New York City's Times Square and 7 miles south of Morristown, N.J. The refuge is dedicated to migratory waterfowl production and management, the preservation of natural conditions, conservation education and public recreation. This refuge is remarkable in that it was established in 1964 after more than 6,000 citizens raised over a million dollars to acquire nearly 3,000 acres, donating the area to the Federal Government.

S. 3343 would designate certain lands in the Pelican Island National Wildlife Refuge in Indian River County, Fla., as wilderness. The area would comprise about 403 acres on several islands included in the refuge. Mr. President, this

is historic legislation because the Pelican Island National Wildlife Refuge was established by Executive order of President Theodore Roosevelt in 1903—the first refuge of a system that has since grown to be the most far-reaching and comprehensive wildlife resource management program in the history of mankind.

S. 3425 would designate certain lands in the Monomoy National Wildlife Refuge, in Barnstable County, Mass., as wilderness. Monomoy Island is a 2,600 acre roadless island located 9 miles south from the elbow of Cape Cod. Boston and Providence are each about 100 miles from the island. The island is inhabited by a variety of wildlife, such as sea birds, reptiles and small game.

S. 3502 would designate certain lands in the Seney, Huron Islands, and Michigan Island National Wildlife Refuges in Wisconsin, and the Moosehorn National Wildlife Refuge in Maine, as wilderness. The Seney Wilderness proposal contains approximately 25,000 acres, which is relatively inaccessible, and is inhabited by a variety of game ranging from red fox to moose and timber wolf. The proposed Huron Islands Wilderness contains approximately 147 acres on eight small islands in Lake Superior. Six small islands, totaling approximately 41 acres, constitute the Michigan and Wisconsin Islands proposals. A total of 2,780 acres constitute the wilderness proposal for the Edmunds and Birch Islands area within the Moosehorn National Wildlife Refuge in Washington County, Maine.

I would like to emphasize that these bills do not in any way diminish the protection of these wildlife areas, and the conservation purposes for which they have been established and administered. To the contrary, the wilderness designation now to be accorded to portions of these refuges should enhance their protection from any adverse or incompatible uses as we strive to retain and preserve them in their natural state. Their administration will be in accordance with the applicable provisions of the basic Wilderness Act of 1964.

Although provisions of the Wilderness Act which relate to mining and mineral leasing are intended to apply only to areas of the national forest system which are given wilderness status, the U.S. Geological Survey and the Bureau of Mines have determined that the overall mineral resource potential of the proposed areas is poor, with the exception of the Edmunds Wilderness proposal in Maine. However, the only known mineral resources in that area are sand, gravel, and clay, which are also abundant in the surrounding areas.

BILL PASSED OVER

The bill (S. 3206) to amend the Federal Water Pollution Control Act, as amended, relating to the construction of waste treatment works, and to the conduct of water pollution control research, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President. The PRESIDING OFFICER. The bill will be passed over.

LOANS ON LEASED LAND IN HAWAII

The bill (H.R. 15562) to extend the expiration date of the act of September 19, 1966, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1365), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

SHORT EXPLANATION

This bill would continue for 2 years, through June 30, 1970, the Farmers Home Administration's authority to make loans to lessee-operators of farmland in the State of Hawaii. That authority is limited to cases where (1) the land cannot be acquired in fee simple by the applicant, (2) adequate security is provided for the loans, and (3) there is a reasonable probability of accomplishing the objectives and repayment of the loan.

NEED FOR THE BILL

Hawaii has land problems unlike those of other States, since much of its land is subject to restraints on alienation and consequently is operated under long-term lease.

A little over a century ago all of the land in Hawaii was owned by the King. Under King Kamehameha III, who became King in 1833, the land was divided into three parts, with one-third being vested in the King, one-third in the chiefs, and one-third in the tenants. Later the King divided his share, making two-thirds public domain and one-third his private estate; and the chiefs divided their land. Certain of the public lands were designated as Hawaiian homelands and subjected to statutory restraints on alienation by the Hawaiian Homes Commission Act, 1920.

A large part of the remaining lands have been controlled by a few landlords for many years, and their sale would result in such high taxes on the proceeds as to make sale impracticable. Some of the lands are held in charitable trusts which prevent their alienation.

As a consequence of these restraints on alienation most land transactions in Hawaii involve the sale of leases. Hawaiian farmers in order to carry on their operations must, like other farmers, have adequate financing, and should have available to them the financing provided for farm improvement by Farmers Home Administration loans to the extent that such loans can safely be made on the security such farmers can provide. The bill would permit such loans. They would be authorized only where adequate security can be provided, where they can be repaid, and where the purpose of the loan can be accomplished.

DEPARTMENTAL VIEWS

The attached report of the Department of Agriculture advises that it believes that if this authority is provided for the State of Hawaii, it should be made equally available in all other States. The Department took a similar position in 1965 when the present authority was being considered. The committee feels that the land tenure situation in Hawaii is so different from that of other States as to require the different treatment provided by this bill.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the transaction of morning business, the unfinished business, S. 3065, Calendar No. 1290, which was laid be-

fore the Senate on yesterday to be the pending business today, go back to the calendar, and that in its place at that time the unfinished business be Calendar No. 1348, S. 3206.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill, S. 3206, will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3206) to amend the Federal Water Pollution Control Act, as amended, relating to the construction of waste treatment works, and to the conduct of water pollution control research, and for other purposes.

The PRESIDING OFFICER. Without objection, that bill will be made the unfinished business.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of March 16, 1967, Mr. MAGNUSON, from the Committee on Appropriations, reported favorably, with amendments, on July 9, 1968, the bill (H.R. 17023) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes, and submitted a report (No. 1375) thereon, which was printed.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PLANS FOR WORKS OF IMPROVEMENT UNDER PROVISIONS OF WATERSHED PROTECTION AND FLOOD PREVENTION ACT

A letter from the Assistant Secretary of Commerce, transmitting, pursuant to law, plans for works of improvement which have been prepared under the provisions of the

Watershed Protection and Flood Prevention Act, as amended (with accompanying papers); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on the District of Columbia, with amendments: S. 2439. A bill to increase the number and salaries of judges of the District of Columbia court of general sessions, the salaries of judges of the District of Columbia Court of Appeals, and for other purposes (Rept. No. 1377).

By Mr. JORDAN of Idaho, from the Committee on Interior and Insular Affairs, with amendments:

S. 1385. A bill to amend section 3 of the act entitled "An act to provide for the disposal of materials on the public lands of the United States" approved July 31, 1947, relating to the disposition by the Secretary of the Interior of moneys obtained from the sale of materials from public lands (Rept. No. 1376).

PRINTING OF REVIEW OF REPORT ON MIAMI HARBOR, FLA. (S. DOC. NO. 93)

Mr. LONG of Louisiana. Mr. President, on behalf of the Senator from West Virginia [Mr. RANDOLPH], I present a letter from the Secretary of the Army, transmitting a report dated June 3, 1968, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of the report on Miami Harbor, Fla., requested by a resolution of the Committee on Commerce, U.S. Senate, adopted August 18, 1944. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF REVIEW OF REPORTS ON SERGIUS AND WHITESTONE NARROWS, ALASKA (S. DOC. NO. 95)

Mr. LONG of Louisiana. Mr. President, on behalf of the Senator from West Virginia [Mr. RANDOLPH], I present a letter from the Secretary of the Army, transmitting a report dated June 3, 1968, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of the reports on Sergius and Whitestone Narrows, Alaska, requested by resolutions of the Committee on Public Works, U.S. Senate, both adopted April 10, 1963. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF REVIEW OF REPORTS ON BIG SIOUX RIVER, SIOUX CITY, IOWA, AND NORTH SIOUX CITY, S. DAK. (S. DOC. NO. 94)

Mr. LONG of Louisiana. Mr. President, on behalf of the Senator from West Virginia [Mr. RANDOLPH], I present a letter from the Secretary of the Army, trans-

mitting a report dated March 8, 1968, from the Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on a review of the reports on Big Sioux River at and in the vicinity of Sioux City, Iowa, and North Sioux City, S. Dak., requested by a resolution of the Committee on Public Works of the U.S. Senate, adopted September 10, 1962. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF INTERIM REPORT ON WABASH RIVER AND TRIBUTARIES, INDIANA, ILLINOIS, AND OHIO (S. DOC. NO. 96)

Mr. LONG of Louisiana. Mr. President, on behalf of the Senator from West Virginia [Mr. RANDOLPH], I present a letter from the Secretary of the Army, transmitting a report dated May 31, 1968, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on an interim report on Wabash River and tributaries, Indiana, Illinois, and Ohio, in partial response to a resolution of the Committee on Public Works, U.S. Senate, adopted May 6, 1958. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DOMINICK (for himself and Mr. COTTON):

S. 3750. A bill to direct the Secretary of Defense to pay the special pay authorized under section 310 of title 37, United States Code, to certain members of the uniformed services held captive in North Korea; to the Committee on Armed Services.

(See the remarks of Mr. DOMINICK when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (by request):

S. 3751. A bill to unify and consolidate the rules for navigation on the waters of the United States; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. TOWER:

S. 3752. A bill to change the Census Code; to the Committee on Post Office and Civil Service.

By Mr. MORSE:

S. 3753. A bill to amend further section 27 of the Merchant Marine Act, 1920; to the Committee on Commerce.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

By Mr. LONG of Missouri:

S. 3754. A bill to repeal title III of the Omnibus Crime Control and Safe Streets Act of 1968, entitled "Wiretapping and Electronic Surveillance"; to the Committee on the Judiciary.



Public Law 90-426
90th Congress, H. R. 15562
July 26, 1968

An Act

82 STAT. 445

To extend the expiration date of the Act of September 19, 1966.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans by the Secretary of Agriculture on leasehold interests in Hawaii, and for other purposes", approved September 19, 1966 (80 Stat. 809), is amended by striking out "June 30, 1968" and inserting in lieu thereof "June 30, 1970".

Hawaii.
Farm loans on
leased lands.
7 USC 1991.

Approved July 26, 1968.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1509 (Comm. on Agriculture).
SENATE REPORT No. 1365 (Comm. on Agriculture & Forestry).
CONGRESSIONAL RECORD, Vol. 114 (1968):
June 17: Considered and passed House.
July 10: Considered and passed Senate.

